

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
LEVEL 3 COMMUNICATIONS, LLC)
For Adoption of the Negotiated)
Interconnection Agreement Between)
Ciera Network Systems, Inc. and)
Verizon Hawaii Inc.)
_____)

DOCKET NO. 02-0104

RECEIVED
2002 JUL 23 P 4: 26
DIV. OF CONSUMER ADVOCACY
DEPT. OF HAWAIIAN AFFAIRS
CONSUMER AFFAIRS
STATE OF HAWAII

DECISION AND ORDER NO. 19479

Filed July 23, 2002
At 3:00 o'clock P.M.
Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
K. Higashi

In accordance with 47 U.S.C. § 252(e), if a state commission does not act to approve or reject a negotiated interconnection agreement within 90 days after the agreement is submitted to the commission, "the agreement shall be deemed approved."² The 90th-day deadline governing the commission's review is on or about July 23, 2002.

II.

Verizon Hawaii is a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii (State), and engaged in the provision of varied telecommunications services to its customers and the general public within its chartered territory in the State. Verizon Hawaii is an incumbent local exchange carrier as defined by 47 U.S.C. § 252.

Level 3 Communications is a certified facilities-based carrier and reseller of telecommunications services in the State,³ and a telecommunications carrier as defined by 47 U.S.C. § 252.

The scope of the agreement includes interconnection, resale, network elements, collocation, and other services. The initial term of the agreement is from April 12, 2002 to September 30, 2003.

²Accord Hawaii Administrative Rules (HAR) § 6-80-54(c).

³Decision and Order No. 17053, filed on June 29, 1999, in Docket No. 99-0049.

The interconnection agreement was consummated through voluntary negotiations between the parties, as contemplated by 47 U.S.C. § 252(a), and addresses interconnection services provided pursuant to 47 U.S.C. § 251. In the commission's review of the agreement, the commission is governed by 47 U.S.C. § 252(e) and HAR § 6-80-54. These sections provide that the commission may reject a negotiated agreement only if:

- (1) the agreement, or any portion of the agreement, discriminates against a telecommunications carrier not a party to the agreement; or
- (2) The implementation of the agreement, or any portion of the agreement, is not consistent with the public interest, convenience, and necessity.

By Decision and Order No. 19140, filed on January 10, 2002, in Docket No. 01-0420, we approved an interconnection agreement between Verizon Hawaii and Ciera Network Systems submitted on October 15, 2001. In that docket the commission concluded that the interconnection agreement did not discriminate against other telecommunications carriers, and the implementation of the agreement was consistent with the public interest, convenience and necessity. Accordingly, we conclude that Level 3 Communications' adoption of a negotiated interconnection agreement between Ciera Network Systems and Verizon Hawaii should be approved.

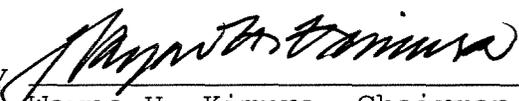
III.

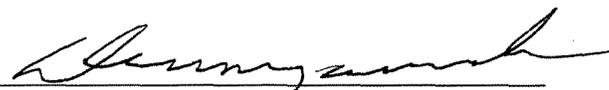
1. Level 3 Communications' adoption of the negotiated interconnection agreement between Ciera Network Systems and Verizon Hawaii is approved.

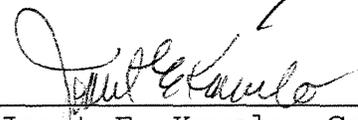
2. This docket is closed.

DONE at Honolulu, Hawaii this 23rd day of July, 2002.

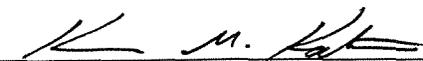
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Dennis R. Yamada, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Kevin M. Katsura
Commission Counsel
02-0104.ac

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19479 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

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JOEL K. MATSUNAGA
VICE PRESIDENT-EXTERNAL AFFAIRS
VERIZON HAWAII INC.
P. O. Box 2200, A-17
Honolulu, Hawaii 96841



Catherine Sakato

DATED: July 23, 2002